

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
CHARRUE, Pierre

Application No.: 10/561,593

Filed: May 7, 2007

For: **APPARATUS AND METHOD FOR
EXTRACTING GASEOUS, LIQUID AND/OR
SOLID ELEMENTS FROM A GASEOUS
MEDIUM AND CONCENTRATING THEM IN
A LIQUID MEDIUM**

Customer No.: 30827

Confirmation No.: 6464

Art Unit: 1797

Examiner: Robert A. Hopkins

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action mailed January 11, 2010, Applicants hereby elect Group I: Claims 1-21, drawn to the apparatus for extracting gaseous, liquid and/or solid elements from a gaseous medium for examination with traverse.

Applicants respectfully traverse the restriction requirement at least. According to M.P.E.P. §803, in order for a restriction requirement to be proper, “the invention must be independent or distinct as claimed” and there must be a serious burden on the examiner if restriction is required.” Applicants submit that the subject matter of the claims in the present application is such that a search for the subject matter of Group I (i.e., claims 1-21) would overlap with a search for the subject matter of Group II (i.e., claims 22-25). The Examiner does not provide any evidence that it would be a serious burden for the Examiner to examine all the claims. Accordingly, for at least these reasons, Applicants respectfully request that the Examiner withdraw the restriction requirement and examine each of claims 1-25.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: March 10, 2010

Respectfully submitted,

By Matthew T. Bailey

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